



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 70-99  
6 January 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 29 April 1981 at age 17. The record shows that during the period 3 August 1982 to 4 April 1983 you received nonjudicial punishment on three occasions. Your offenses were an unauthorized absence of about 21 days, illegal use of a controlled substances, two instances of disrespect, assault, resisting arrest, and drunk and disorderly conduct. On 10 June 1983 you were counseled and warned that further misconduct could lead to discharge under other than honorable conditions. On 28 September 1983 you received nonjudicial punishment for two short periods of unauthorized absence, wrongful use of marijuana, and dishonorable failure to pay debts.

On 4 October 1983 you were notified of processing for discharge under other than honorable conditions. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. On 11 October 1983 you received your fifth nonjudicial punishment for an unauthorized absence of about two days and breaking restriction. On 13 October 1983 the discharge authority approved the recommendation of your commanding officer that you be discharged

for misconduct with a discharge under other than honorable conditions. You were so discharged on 21 October 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your contention that you were told that the discharge would be automatically recharacterized after six months. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated misconduct which included multiple incidents of drug abuse. The Board was aware that there is no provision in the law or regulations which would allow for recharacterization of a discharge based solely on the passage of a period of time. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director